

EXHIBIT W

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

16 Cr. 0746 (PKC)

5 DAVID BERGSTEIN,

6 Defendant.

7 -----x

February 28, 2018
9:36 a.m.

8 Before:

9 HON. P. KEVIN CASTEL,

10 District Judge

11 APPEARANCES

12 GEOFFREY S. BERMAN

13 Interim United States Attorney for the
Southern District of New York

14 BY: EDWARD IMPERATORE
ROBERT ALLEN
15 ELISHA KOBRE

Assistant United States Attorneys

16 BIENERT, MILLER & KATZMAN, PLC

17 Attorneys for Defendant

18 BY: THOMAS H. BIENERT, JR.
ANTHONY R. BISCONTI

19 SATTERLEE STEPHENS LLP

Attorneys for Defendant

20 BY: ANDREW L. FISH

21 - also present -

22 Ellie Sheinwald, U.S. Paralegal Specialist
Sarah Emmerick, U.S. Paralegal Specialist
23 Caroline K. Howland, Defense Paralegal Specialist

24 SA Shannon Bieniek, FBI

1 A. I don't see the cash. Where is it?

2 Q. Up at the top.

3 A. Where? Oh, yes. \$736.

4 Q. And I think we also saw some credit card records showing
5 payments to someone named Bruce Crispin?

6 A. You expect me to remember credit card records that you
7 showed during this process?

8 Q. Do you know who Bruce Crispin is?

9 A. He is a dentist.

10 Q. Whose dentist?

11 A. He is the dentist for multiple people in the office.

12 Q. Sir, is Pineboard a code word for spending money on
13 yourself?

14 MR. BIENERT: Objection. Argumentative.

15 THE COURT: Sustained.

16 Q. Let's, if we can look now at the March 6, 2012 transfer
17 from Swartz IP, let's look at Government Exhibit 341. This is
18 an e-mail from you to Sean Edrington and someone named Alisa
19 Lilely at Deutsche Bank March 6, 2012. If we can look at the
20 wires, please? And we see transfers here of \$300,000 to
21 Wells Fargo for Integrated Administration. What is the purpose
22 you state?

23 A. Pineboard funding.

24 Q. And a \$20,000 wire to Eugene Scher ATF, the Bergstein
25 trust. What is the purpose that you write?